

EXHIBIT 11



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February 2, 2025

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VIA EMAIL

Re: **Valve Corp. v. Leigh Rothschild et al., No. 2:23-cv-1016 (W.D. Wash.)**

M&G: 19680.0001USZA

Counsel:

I write regarding the parties' ongoing discussions relating to search terms and document collection and to address specific items raised in your letters of January 10, 2025, and January 22, 2025, as well as your email this week. First, we disagree with the characterizations in your letters and emails suggesting delay on Defendants' part. Rather, as is clear from the below, over these past 2-3 weeks we have been running additional searches, investigating ways to address challenges that we are encountering with various searches, investigating information sources, and the like. Moreover, your suggestion that we have not complied with the provisions of the ESI agreement is wrong. Valve had no right to object to our proposed terms in the first instance; rather, the ESI agreement allowed Valve to propose 10 search terms of its own. Mr. McPhail was merely attempting to be helpful in offering to allow Valve to propose modifications to our proposed constructions with the goal of coming to mutually acceptable terms. We continue to believe it is more efficient for the parties to try to agree on search terms/strings together and/or other methods of collection.

In an effort to continue working toward identifying acceptable search terms, below are hits for various search strings for each custodian as well as discussion relevant to collection of documents for each custodian.

MEYLER

SEARCH STRING	MEYLER OUTLOOK	MEYLER FILE EXPLORER
8,856,221 OR 8856221 OR '221 OR '221 OR "221 "	NA (see below)	44
"Kizzia Johnson"	199	65
"Display Technologies" OR " DT "	537	347
"Rothschild Broadcast Distribution Systems" OR RBDS	373	184
Valve	1178	877
"Pitch Scientific"	44	23
sanction* OR "Rule 11" OR frivolous OR 285 OR baseless OR meritless OR "attorney* fees" OR "bad faith" OR exceptional OR 1927	NA (see below)	350
infring* AND (demand OR threat OR assert OR target OR campaign OR inventory OR enforc* OR sue)	722 (see below Misc. section)	495 (see below Misc. section)
(global AND (settlement OR license OR agreement)) OR GSLA OR GSALA	34 (see below Misc. section)	26 (see below Misc. section)

We confirm that we have collected documents from Mr. Meyler for the following strings and are reviewing those documents for production:

- "Kizzia Johnson" (searched in Meyler Outlook, Meyler File Explorer);
- "Rothschild Broadcast Distribution Systems" OR RBDS (searched in Meyler Outlook, Meyler File Explorer)
- "Pitch Scientific" (searched in Meyler Outlook, Meyler File Explorer)

Although we had previously believed that the search strings "Display Technologies" OR " DT " and "Valve" returned a reasonable number of hits for Mr. Meyler's Outlook and File Explorer, upon further investigation, we have encountered challenges with these terms. In particular, Mr. Meyler noticed that these strings are hitting on numerous documents unrelated to his representation of DT or RBDS. In other words, the strings are hitting on numerous documents relating to his representation of other clients. This creates difficulties in that such documents may be privileged and/or subject to the work product doctrine, and Mr. Meyler is not able to collect and share such documents with Merchant & Gould.

Our investigation has determined that the majority of the false positives are due to hits on "DT" and "Valve." For example, Mr. Meyler represents many clients in connection with real estate matters in which the term "Deed of Trust" is often abbreviated "DT." He also represents clients in connection with construction defect matters which often discuss valves. We have determined that Mr. Meyler did not begin representing any of Mr. Rothschild's entities until no earlier than May 16, 2022, and Outlook allows filtering of emails by date. In light of the concerns associated with collection of documents from Mr.

Meyler's other clients, we propose running the term "Display Technologies" on Mr. Meyler's Outlook, limited to on or after May 16, 2022. In addition, we will have Mr. Meyler search his Outlook (limited to on or after May 16, 2022) for the terms: 8,856,221 OR 8856221 OR "221 patent".¹

To capture any additional potentially relevant documents in Mr. Meyler's Outlook we propose collecting the following emails (limited to on or after May 16, 2022):

- All emails to/from @patentmgmt.com;
- All emails to/from @kjpllc.com (i.e., Kizzia Johnson's email address);
- All emails to/from @ktslaw.com; and
- All emails to/from @valvesoftware.com.

Further Mr. Meyler will identify the email addresses associated with any other opposing counsel or in-house counsel with whom he had communications on behalf of RBDS and DT and will collect emails to/from those opposing counsel or in-house counsel. We believe this is a reasonable approach that is likely to capture relevant emails while also ensuring Mr. Meyler is not inadvertently collecting documents associated with his other clients.

You had also requested that Mr. Meyler run the following searches.

- File Explorer: sanction* OR "Rule 11" OR frivolous OR "Section 285" OR "35 USC 285" OR "35 U.S.C. §285" OR "35 U.S.C. 285" OR "35 U.S.C. §285" OR baseless OR meritless OR "attorneys fees" OR "attorney fees" OR "attorney's fees" OR "attorneys' fees" OR "bad faith" OR exceptional OR "Section 1927" OR "28 USC 1927" OR "28 USC §1927" OR "28 U.S.C. 1927" OR "28 U.S.C. §1927"
- Outlook: sanction OR "Rule 11" OR frivolous OR "Section 285" OR "35 USC 285" OR "35 U.S.C. §285" OR "35 U.S.C. 285" OR "35 U.S.C. §285" OR baseless OR meritless OR "attorneys fees" OR "attorney fees" OR "attorney's fees" OR "attorneys' fees" OR "bad faith" OR exceptional OR "Section 1927" OR "28 USC 1927" OR "28 USC §1927" OR "28 U.S.C. 1927" OR "28 U.S.C. §1927"

When these strings were run by Mr. Meyler, the results were nonsensical. We have investigated this issue and have not yet been able to determine why these strings are not producing the expected results. In any event, we do not believe that running the above proposed searches is necessary or appropriate in view of our proposal to search for all emails to/from @patentmgmt.com; @kjpllc.com; @ktslaw.com; and @valvesoftware.com and to/from opposing and in-house counsel with whom Mr. Meyler had communications on behalf of RBDS and DT. To be clear, Mr. Meyler has not represented any clients, other than the Rothschild entities, in connection with patent infringement matters.

With respect to Mr. Meyler's File Explorer, instead of running any additional search terms on that data source, we will engage in a targeted collection from Mr. Meyler's File Explorer. Mr. Meyler's File Explorer is organized into folders by client. We will collect Mr. Meyler's folder relating to PAM which includes DT and RBDS matters.

¹ We confirm that Mr. Meyler does not generally refer to patents by just the last three numbers of a patent.

In summary, we plan to run the string 8,856,221 OR 8856221 OR "221 patent" and the term "Display Technology" on Mr. Meyler's Outlook (limited to on or after May 16, 2022); do the targeted collection of to/from emails as described above on Mr. Meyler's Outlook (limited to on or after May 16, 2022); and collect the PAM folder in Mr. Meyler's File Explorer. To be clear, Defendants agreement to search for and/or collect these documents is not an agreement that such information is relevant and/or will be produced after review.

FALCUCCI

SEARCH STRING	FALCUCCI OUTLOOK	FALCUCCI SHAREPOINT
8,856,221 OR 8856221 OR '221 OR '221 OR " 221 "	NA (see below)	447
"Kizzia Johnson"	222	488
"Display Technologies" OR " DT "	992	382
"Rothschild Broadcast Distribution Systems" OR RBDS	924	430
Valve	378	322
"Pitch Scientific"	261	291
sanction* OR "Rule 11" OR frivolous OR 285 OR baseless OR meritless OR "attorney* fees" OR "bad faith" OR exceptional OR 1927	NA (see below)	345
infring* AND (demand OR threat OR assert OR target OR campaign OR inventory OR enforc* OR sue)	10 (see below Misc. section)	437
(global AND (settlement OR license OR agreement)) OR GSLA OR GSALA	18 (see below Misc. section)	413

We understand that the parties are in agreement in connection with the below search terms/strings:

- "Kizzia Johnson" for Falcucci Outlook and Falcucci SharePoint
- "Display Technologies" OR " DT " for Falcucci Outlook and Falcucci SharePoint
- "Rothschild Broadcast Distribution Systems" OR RBDS for Falcucci Outlook and Falcucci SharePoint
- Valve for Falcucci Outlook and Falcucci SharePoint
- "Pitch Scientific" for Falcucci Outlook and Falcucci SharePoint
- "infring* AND (demand OR threat OR assert OR target OR campaign OR inventory OR enforc* OR sue)" for Falcucci SharePoint
- "(global AND (settlement OR license OR agreement)) OR GSLA OR GSALA" for Falcucci SharePoint

You had also requested that we run the following terms on Mr. Falcucci's sources, and we have provided the results:

- Outlook: sanction OR "Rule 11" OR frivolous OR "Section 285" OR "35 USC 285" OR "35 U.S.C. §285" OR "35 U.S.C. 285" OR "35 U.S.C. §285" OR baseless OR meritless OR "attorneys fees" OR "attorney fees" OR "attorney's fees" OR "attorneys' fees" OR "bad faith" OR exceptional OR "Section 1927" OR "28 USC 1927" OR "28 USC §1927" OR "28 U.S.C. 1927" OR "28 U.S.C. §1927"
 - Results: 996
- Sharepoint: sanction* OR "Rule 11" OR frivolous OR 285 OR baseless OR meritless OR "attorney* fees" OR "bad faith" OR exceptional OR 1927
 - Results: 345

We believe the results for the above two strings are reasonable and plan to move forward with collecting the same.

Due to the search capabilities of Outlook, we had proposed the search string 8,856,221 OR 8856221 OR "221 patent" on Outlook. In response, you had asked if Defendants refer to patents by just the last three digits. Mr. Falcucci, RBDS, and DT may, at times, refer to patents by just the last three numbers of a patent. That being said, given the numerous other search terms or strings being run and collection efforts being undertaken, we believe that our proposed string of 8,856,221 OR 8856221 OR "221 patent" for Outlook is still reasonable. If you still wish to discuss this string, we can do so on our call this coming Tuesday, February 4th.

ARIAS

SEARCH STRING	CHRISTINA ARIAS OUTLOOK
8,856,221 OR 8856221 OR '221 OR '221 OR " 221 "	NA (see below)
"Kizzia Johnson"	268
"Display Technologies" OR " DT "	392
"Rothschild Broadcast Distribution Systems" OR RBDS	392
Valve	471
"Pitch Scientific"	235
sanction* OR "Rule 11" OR frivolous OR 285 OR baseless OR meritless OR "attorney* fees" OR "bad faith" OR exceptional OR 1927	NA (see below)
infring* AND (demand OR threat OR assert OR target OR campaign OR inventory OR enforc* OR sue)	NA (see below Misc. section)
(global AND (settlement OR license OR agreement)) OR GSLA OR GSALA	NA (see below Misc. section)

We believe the above results are reasonable and plan to move forward with collecting the same.

You had also requested that we run the below term on Ms. Arias's Outlook, and we have provided the following results:

- Outlook: sanction OR "Rule 11" OR frivolous OR "Section 285" OR "35 USC 285" OR "35 U.S.C. §285" OR "35 U.S.C. 285" OR "35 U.S.C. §285" OR baseless OR meritless OR "attorneys fees" OR "attorney fees" OR "attorney's fees" OR "attorneys' fees" OR "bad faith" OR exceptional OR "Section 1927" OR "28 USC 1927" OR "28 USC §1927" OR "28 U.S.C. 1927" OR "28 U.S.C. §1927"
 - Result: 745

We believe this result is reasonable and plan to move forward with collecting the same.

As with Mr. Falcucci, we believe that our proposed search string 8,856,221 OR 8856221 OR "221 patent" in Outlook is reasonable.

Our investigation has also determined that Ms. Arias uses Sharepoint. Ms. Arias's Sharepoint is encompassed by Mr. Falcucci's searches of Sharepoint.

ROTHSCHILD

SEARCH STRING	LEIGH ROTHSCHILD OUTLOOK
8,856,221 OR 8856221 OR '221 OR '221 OR " 221 "	NA (see below)
"Kizzia Johnson"	316
"Display Technologies" OR " DT "	425
"Rothschild Broadcast Distribution Systems" OR RBDS	302
Valve	355
"Pitch Scientific"	Awaiting results
sanction* OR "Rule 11" OR frivolous OR 285 OR baseless OR meritless OR "attorney* fees" OR "bad faith" OR exceptional OR 1927	NA (see below)
infring* AND (demand OR threat OR assert OR target OR campaign OR inventory OR enforc* OR sue)	NA (see below Misc. section)
(global AND (settlement OR license OR agreement)) OR GSLA OR GSALA	NA (see below Misc. section)

We believe the above results are reasonable and plan to move forward with collecting the same. We will let you know as soon as we receive the results in connection with Pitch Scientific.

You had also requested that we run the below term on Mr. Rothschild's Outlook, and we have provided the following results:

- Outlook: sanction OR "Rule 11" OR frivolous OR "Section 285" OR "35 USC 285" OR "35 U.S.C. §285" OR "35 U.S.C. 285" OR "35 U.S.C. §285" OR baseless OR meritless OR "attorneys fees" OR "attorney fees" OR "attorney's fees" OR "attorneys' fees" OR "bad faith" OR exceptional OR "Section 1927" OR "28 USC 1927" OR "28 USC §1927" OR "28 U.S.C. 1927" OR "28 U.S.C. §1927"
 - Result: 680

We believe this result is reasonable and plan to move forward with collecting the same.

As with Mr. Falcucci, we believe that our proposed search string 8,856,221 OR 8856221 OR "221 patent" in Outlook is reasonable.

Our investigation has also determined that Mr. Rothschild uses Sharepoint. Mr. Rothschild's Sharepoint is encompassed by Mr. Falcucci's searches of Sharepoint.

Additional Misc. Issues

Regarding additional issues raised in your letters, I confirm that the custodians have included Outlook archives when searching in Outlook.

Defendants do not agree to Valve's below, proposed strings to be used to search all custodians' Outlook accounts and Mr. Meyler's File Explorer:

- Infringe OR infringes OR infringement OR infringing OR infringer OR demand OR threat OR assert OR target OR campaign OR enforce OR sue OR lawsuit
- Settlement OR license OR agreement

First, as described above, additional searching of Mr. Meyler's File Explorer is unnecessary in light of our plan to collect the PAM folder located in his File Explorer. Second, such terms are exceedingly broad and will undoubtedly capture a significant number of irrelevant documents. Indeed, they are likely to hit on any agreement of any kind and any lawsuit of any kind, requiring Defendants to expend significant resources to identify a *de minimis* number of relevant documents among significantly more irrelevant ones. Search strings should be targeted to capture relevant documents, not aimed to capture all documents. Besides the overbreadth and burdensomeness of running the above proposed strings, the above proposed search strings also present a separate problem for Mr. Meyler and his law firm. As described above, Mr. Meyler represents many clients, of which DT and RBDS are just two. Given the general nature of proposed search strings and the failure to link them in any manner to the defendants or issues in this case, the proposed terms will hit on documents completely unrelated to Mr. Meyler's representation of DT and RBDS and will capture a large number of documents relating to matters for his other clients, including privileged documents and documents protected by the work product doctrine.

Given the terms already being run by Defendants, the above proposed strings are unnecessary. The terms already agreed to or proposed, and the collection efforts already being made, are reasonably likely to capture relevant materials.

Very truly yours,


Paige Stradley